

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

May 1, 2003

LB 667

rules and regulations adopted and promulgated under this act...or, under the act. The second phrase is changed to read: conduct by such pharmacy which in this state presents a threat to public health and safety or the danger or death of a...or physical harm. Thirdly, any mail service pharmacy license can be disciplined or amended...or, the amendment clarifies that the licensee must be provided notice and opportunity to be heard. That's the due process. In summary, Mr. President, the amendment would provide clear and due process protections for mail service pharmacies doing business in this state, and would avoid any potential conflicts of the bill with the commerce clause of the United States Constitution by avoiding any implied or explicit language that would require a mail service pharmacy to comply with all pharmacy laws and rules and regulations of this state. At the same time, the amendment is drafted to provide the Department of Health and Human Services Regulation and Licensure sufficient authority to discipline the license of a mail service pharmacy that engages in conduct that endangers the health and safety of Nebraska residents. The amendment is accepted by the Nebraska Pharmacists, the Health and Human Services Department, the mail service pharmacy interests. I would like to thank the Speaker for allowing the motion to return from E & R final, in order to avoid printing of two fiscal...or, two Final Reading copies of the bill, if this change is approved. I would ask for the adoption and return of this bill to Select File for this amendment. Thank you, Mr. President.

PRESIDENT HEINEMAN: Thank you, Senator Jensen. Further discussion on the motion to return to Select File? Seeing none, the Chair would recognize Senator Jensen to close on his motion. He waives closing. So the question before the body is the motion to return to Select File for a specific amendment to LB 667. All those in favor please vote aye; those opposed vote nay. Please record, Mr. Clerk.

CLERK: 40 ayes, 0 nays, Mr. President, on the motion to return the bill.

PRESIDENT HEINEMAN: The motion is adopted. We now call on Senator Jensen on his AM1551 amendment. Senator Jensen.